

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TERRY G. HAMMOND,

Defendant.

CASE NO. 8:07CR213

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 23) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 11). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized and statements obtained as a result of his arrest and the search of the vehicle he was driving on April 2, 2007. Judge Thalken determined that probable cause existed in the form of a traffic violation, driving under suspension, for the stop of the vehicle in question. He also concluded that probable cause existed for the search of the vehicle based on: information provided by a confidential informant; the ability of officers to tow the vehicle and perform an inventory search after the stop; and perhaps also the plain view doctrine. Finally, Judge Thalken determined that the Defendant, Terry G. Hammond, waived his *Miranda* rights and that his statements were “totally voluntary.” (Filing No. 27, at 61-62.)

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 12, 18) and the transcript (Filing No. 27). The Court has also viewed the evidence. (Filing No. 21.) Because Judge Thalken fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 23) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 11) is denied.

DATED this 29th day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge